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June 16, 2023

Hon. Lewis J. Liman, U.S.D.J.
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Via ECF

Re: **689 Eatery Corp., etc. et ano. v. City of New York, et al.,**
Docket No. 02 CV 4431 (LJL) ("Action No. 1")

59 Murray Enterprises, Inc. etc., et ano. v. City of New York, et al.,
Docket No. 02 CV 4432 (LJL) ("Action No. 2")

Club at 60th Street, et al. v. City of New York
Docket No. 02 CV 8333 (LJL) ("Action No. 3")

336 LLC, etc, et al. v. City of New York
Docket No. 18 CV 3732 (LJL) ("Action No. 4")

Dear Judge Liman:

We represent the plaintiffs in Action No. 2 and write on behalf of counsel for all Plaintiffs to withdraw an argument raised in plaintiffs' June 9, 2023 Reply Memorandum in Support of Motion for Partial Summary Judgment.

Specifically, Plaintiffs withdraw the paragraph starting at the bottom of ECF p. 29

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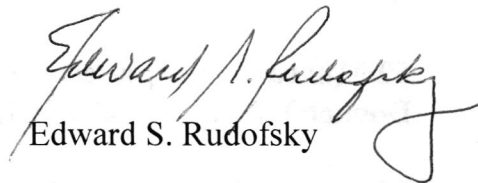
and finishing at the top of ECF p. 30. To wit:

Additionally, there is no guarantee that removal of the professional-certification bar for adult business applicants will even actually happen should the 2001 Amendments become enforceable. As a mere administrative Buildings Bulletin, unlike an amendment to the Zoning Resolution, it can be unilaterally repealed at any time by DOB. For that reason Plaintiffs do not believe the City can even rely on it here since it is not presently in effect and it is speculative whether it will ever in fact be in effect in the future.

For avoidance of doubt, the Plaintiffs are not withdrawing or waiving any other arguments relating to the professional certification of adult-business permit applications (or any other arguments).

As always, we thank the Court in advance for its time and attention.

Respectfully,


Edward S. Rudofsky

Cc: All Counsel (Via E-Filing)